

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**MITCHELL HENNESSEY**

**Defendant.**

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**Case No. 4:22-cr-612**

**The Honorable Andrew S. Hanen**

**United States' Response in Opposition to Defendant HENNESSEY's Motion to Modify  
Conditions of Release**

The United States, by and through undersigned counsel, respectfully submits this Response in Opposition to Defendant Hennessey's Motion to Modify Conditions of Release (ECF No. 187) and the eleven (11) filed attachments. The Court should deny the motion because the current conditions—including GPS location monitoring—are the least restrictive that will reasonably assure the Defendant's appearance. A change in the current conditions is unwarranted.

**I. Background and Analysis**

On February 16, 2023, following a hearing at his arraignment on six charges relating to securities and commodities fraud, defendant Hennessey was ordered by United States Magistrate's Judge Dena H. Palermo to obtain GPS location monitoring. This ruling brought defendant Hennessey into parity with his similarly situated co-defendants in accordance with this Court's Parity Order (ECF No. 40). Additionally, during the hearing, the Magistrate Court concluded that defendant Hennessey's financial resources provide the means to flee prosecution and that the significant consequences of conviction provide the incentive to do so. There is no

additional information or change in circumstances alleged in the Defendant's latest Motion warranting the alteration of the Magistrate's Court's order of February 16, 2023.

Additionally, the government re-urges the legal reasoning advanced for denying this Motion, and those similar, as it is outlined in the government response to defendant John Rybarczyk's Motion to Modify Bond Conditions (ECF No. 182).

## II. Prayer

For the foregoing reasons, the Court should deny the Defendant's motion and maintain the current conditions of release, including GPS location monitoring.

Dated: March 2, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2023, I will cause the foregoing motion to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide copies to counsel for all parties.

/s/ Thomas H. Carter

Thomas H. Carter

Assistant United States Attorney

Southern District of Texas

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**[Proposed] ORDER**

Upon consideration of Defendant Hennessey's Motion to Modify Conditions of Release (ECF No. 187) and the United States' response, the Motion is DENIED.

It is so **ORDERED** at Houston, Texas on this \_\_\_\_ day of \_\_\_\_\_, 2023.

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THE HON. ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE